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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,482	04/13/2004	William C. Fisher	2802-159-036	4955

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EXAMINER

BOCHNA, DAVID

ART UNIT	PAPER NUMBER
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3679

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/823,482

Applicant(s)

FISHER ET AL.

Examiner

David E. Bochna

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-19 and 27-36 is/are allowed.
- 6) ☒ Claim(s) 1-3, 20-26, 37-42 and 44 is/are rejected.
- 7) ☒ Claim(s) 43 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 April 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement filed 9/17/05 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because it is not proper to list the “copy of notification of transmittal of the international search report” and “the written opinion” on the IDS as those documents are not considered prior art. It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the substantially vertically oriented sidewalls and the surface disruptions in each of the plurality of circumferential grooves recited in claims 4, 9, 11, 27, 30, 32 and 35 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement

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sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-3, 20-26 and 44 are rejected under 35 U.S.C. 102(b) as being anticipated by –
Watson.

In regard to claims 1-3, 20 and 44, Watson discloses a generally tubular nipple (fig. 3) having a longitudinal axis, a first end, a second end, an outer surface with at least two circumferential grooves 27, 18 located between the first and the second ends for affixedly receiving a generally cylindrical shell 28, and a bore extending from the first end to the second end;

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wherein the at least two circumferential grooves are dimensioned for affixedly receiving at least one of an inside surface, an end surface and an outside surface of the generally cylindrical shell 28; and

the at least two circumferential grooves comprising:

a first groove 27 with a generally flat base portion parallel with the longitudinal axis, a first generally radially directed sidewall, and an second generally radially directed sidewall; and

a second groove 18 adjacent the first groove, with a generally flat base portion parallel with the longitudinal axis having a diameter less than the first groove base portion, a first generally radially directed sidewall having a maximum radial extent substantially equal to the first groove second sidewall, and a second generally radially directed sidewall.

In regard to claim 21, wherein said generally cylindrical shell has a first end with an inwardly directed portion having an annular surface 32 in an abutting relationship with one of said at least two circumferential grooves for said permanent attachment.

In regard to claim 22, wherein said inwardly directed portion 32 is located at the longitudinal inner end of said generally cylindrical shell.

In regard to claim 23, wherein said inwardly directed portion 32 is located on the inside surface of said generally cylindrical shell.

In regard to claim 24, wherein said generally cylindrical shell has a first end and a second end, said first end having a turned-in portion 26 generally directed towards said second end.

In regard to claim 25, wherein the outer surface of said turned-in portion 26 is in affixed abutment with said first sidewall.

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In regard to claim 26, wherein the inside surface 26 of said generally cylindrical shell affixedly abuts said first and said second sidewalls.

5. Claims 37-40 are rejected under 35 U.S.C. 102(e) as being anticipated by Boche.

In regard to claim 37, Boche discloses a generally tubular nipple (see fig. 2A) having a longitudinal axis, a first end, a second end, an outer surface with a series of circumferential grooves located between said first and said second ends for affixedly receiving a generally cylindrical shell, and a bore extending from said first end to said second end;

wherein said series of circumferential grooves are dimensioned for affixedly receiving at least one of an inside surface, an end surface and an outside surface of said generally cylindrical shell; and said series of grooves comprising;

a first groove 38 with a generally flat base portion parallel with said longitudinal axis, a first substantially radially directed sidewall, and a second substantially radially directed sidewall;

a second groove 33 adjacent said first groove, with a generally flat base portion parallel with said longitudinal axis having a diameter less than said first groove base portion, a first substantially radially directed sidewall, having a maximum radial extent generally equal to said first groove second sidewall, and a second substantially radially directed sidewall;

and a third groove (groove where D3 is located) adjacent said second groove, with a generally flat base portion parallel with said longitudinal axis having a diameter less than said second groove base portion, a first substantially radially directed sidewall 34, having a maximum radial extent generally equal to said second groove second sidewall, and a second substantially radially directed sidewall (sidewall of first protrusion 35).

In regard to claim 38, wherein said first groove second sidewall and said second groove second sidewall have a contoured top portion.

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In regard to claim 39, wherein said first groove second sidewall and said second groove second sidewall have an angled top portion (sidewalls are angled at a 90 degree angle to the outside circumferential surfaces).

In regard to claim 40, further including an insert portion located between said third groove and said second end and has a plurality of spaced, circumferentially extending, frusto-conically shaped protrusions 35 on the outer surface thereof.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claim 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boche.

Boche discloses a nipple as described above, but does not disclose that one of the protrusions is larger than the others on the nipple. However, it would have been obvious to make one of the protrusions larger because a change in the size of a prior art device is a design consideration within the skill of the art. In re Rose, 220 F.2d 459, 105 USPQ 237 (CCPA 1955).

8. Claim 42 is rejected under 35 U.S.C. 103(a) as being unpatentable over Boche in view of Boer et al. Boche discloses a nipple as described above that creates a safer connection with improved pull out forces, but Boche does not disclose adding surface disruptions to the groove. Boer et al. teaches supplying grooves 5 with surface disruptions 6 in order to prevent shell rotation and make a more secure connection between the nipple and cylindrical shell. Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention

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was made to modify the groove of Boche to include disruptions, as taught by Boer et al., in order to improve the connection qualities of the coupling.

Allowable Subject Matter


9. Claims 4-19 and 27-36 are allowed.
10. Claim 43 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Inoue et al., Fisher et al., Davis, Goebel et al., Press, Le Clair, and Mott all disclose similar couplings common in the art.
12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Bochna whose telephone number is (703) 306-9040. The examiner can normally be reached on 8-5:30 Monday-Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.


David Bochna
Primary Examiner
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February 17, 2005